

STATE OF SOUTH DAKOTA )  
 )SS  
COUNTY OF MINNEHAHA )

IN CIRCUIT COURT  
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA

vs.

AFFIDAVIT IN SUPPORT  
OF APPLICATION FOR  
ARREST WARRANT

CR 19-163

Perez-Torres, Heriberto

DOB [REDACTED]

Defendant

I, Patrick Mertes, being first duly sworn on oath, deposes and states that he is a Detective of the Sioux Falls Police Department and states that he is one of the officers in charge of the investigation of the above-styled matter. That your Affiant makes this Affidavit in support of the State's Attorney's request for a warrant for the arrest of the above-named Defendant(s), and in compliance with SDCL 23A-2-2, and states as follows:

1. On January 6th, 2019 at approximately 1540 hours Officers with the Sioux Falls Police Department were dispatched to the alley behind [REDACTED] South 3<sup>rd</sup> Avenue, Sioux Falls, Minnehaha County, South Dakota for a male with a gunshot wound. A Sioux Falls Police report was made PD19-335.
2. Upon arrival Officers located the Victim who was identified as Flynn, Jeremy Lynn DOB [REDACTED], lying face down in the alley obviously deceased. Officers observed blood coming from what appeared to be a gunshot wound to the Victim's back.
3. Detectives spoke with [REDACTED] DOB [REDACTED] who lives in the area of the alley. [REDACTED] stated she heard a gunshot and witnessed a White Pickup driving through the alley.
4. During the investigation, Officers spoke with [REDACTED] DOB [REDACTED] [REDACTED] stated she had spoken to the Victim on January 6<sup>th</sup> 2019 at 1522 hours. [REDACTED] stated the Victim gave no indications of any problems. [REDACTED] believed the Victim's ex-girlfriend [REDACTED]

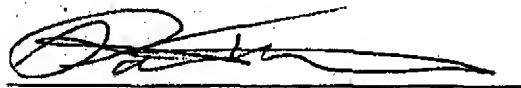
██████████ DOB ██████████ current boyfriend (who is the defendant) did not like the Victim.

5. Detectives made contact with ██████████ ██████████ stated that on January 6<sup>th</sup>, 2019 the defendant came to her place of work around 1630 hours. ██████████ stated the defendant told her he had been in an altercation with the Victim. ██████████ stated the defendant told her "Worm (nickname for the Victim) wouldn't be getting up". ██████████ stated she asked the defendant what had happened, to which he replied he had shot the Victim. ██████████ stated the defendant is driving a White 2006 Ford F150 with paper dealer plates. ██████████ stated the defendant was supposed to pick her up at her business in the area of 41<sup>st</sup> Street and Minnesota Ave.
6. On January 6<sup>th</sup>, 2019, Officers with the Sioux Falls Police Department performed a stop in the area of 41<sup>st</sup> Street and Minnesota Avenue on a White 2006 Ford F150 that was being driven by the defendant. The F150 was towed to the Law Enforcement Centers East Evidence Storage Facility.
7. During the execution of a search warrant on the 2006 Ford F150, Your Affiant observed several features that made the truck unique, Your Affiant observed a large dent in the top of the tailgate, a missing black step on the front passenger running board, and a drop down hitch on the rear bumper.
8. On January 6<sup>th</sup>, 2019, Your Affiant interviewed the defendant at the LEC. The defendant stated he had met the Victim approximately one year earlier. The defendant stated he had received messages from the Victim about him dating ██████████. The defendant stated he had received Facebook messages from the Victim at around 1500 hours on January 6<sup>th</sup>, 2019 wanting to know where he was at. The defendant stated he exchanged a few messages with the Victim before blocking the Victim. The defendant stated he had not seen the Victim face to face in over a year. The defendant stated that on January 6<sup>th</sup>, 2019 he had traveled between his residence and his job. According to the defendant's statements, he did not come within one mile of the shooting.
9. On January 7<sup>th</sup>, 2019, Detectives located numerous security cameras in a one block radius of the shooting. A review of the cameras from January 6<sup>th</sup>, 2019 showed a Ford F150 with a large dent on the top of the tailgate, a missing black step on the front passenger running board, and a drop hitch on the rear bumper. Detectives observed the F150 drive South on 3<sup>rd</sup> Avenue before turning into the alley where the shooting occurred. At 1537, the F150 was observed traveling Northbound in the alley. The video stopped when the F150 is approximately 40 yards from where the shooting occurred. At 1538 the F150 can be seen exiting the alley, West on to 14<sup>th</sup> Street before driving out of camera view.
10. On January 7<sup>th</sup>, 2019 Your Affiant interviewed the defendant at the LEC. During the course of the interview the defendant gave multiple versions that contradicted

each other as to how the shooting occurred. During the final account the defendant stated on January 6<sup>th</sup>, 2019 he went to 619 S. 4<sup>th</sup> Avenue to meet the Victim. The defendant stated when he pulled into the alley he observed numerous people standing around. The defendant stated the Victim then approached the F150 and began to punch him. The defendant stated he exited the vehicle and began to fight with the Victim. The defendant stated the Victim had a silver handgun with black grips. The defendant stated they wrestled over the gun. The defendant stated he took the gun away from the Victim after kneeling him in the groin. The defendant stated when the Victim was in a kneeling position beginning to stand up, he shot the Victim. The defendant stated he dropped the gun and drove away.

11. On January 7<sup>th</sup>, 2019 an autopsy was performed on the Victim. The autopsy revealed the Victim was shot once in the chest.

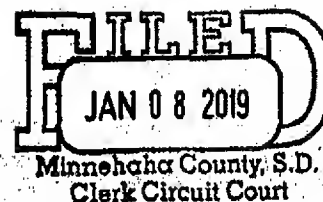
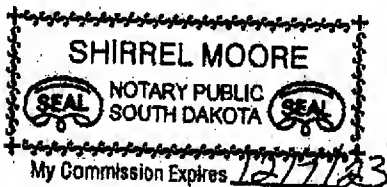
12. The all events occurred in Minnehaha County.



Patrick J. Mertes

Subscribed and sworn before me this 7<sup>th</sup> day of January, 2019.

  
Notary Public





STATE OF SOUTH DAKOTA  
COUNTY OF MINNEHAHA : SS

RECEIVED

JAN 08 2019

IN CIRCUIT COURT  
SECOND JUDICIAL CIRCUIT  
MAGISTRATE DIVISION

STATE OF SOUTH DAKOTA,  
Plaintiff

vs.

HERIBERTO PEREZTORRES  
Defendant(s).

SF19-335

**WARRANT OF ARREST**

*CR19-163*

THE STATE OF SOUTH DAKOTA TO ANY SHERIFF OR PEACE OFFICER OF THIS STATE:

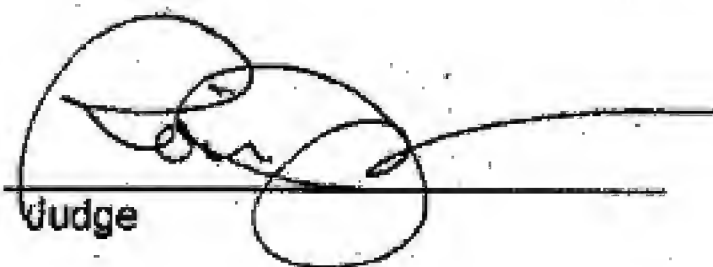
A Complaint upon oath having been laid before me charging HERIBERTO PEREZTORRES with the crimes of:

- COUNT 1: MANSLAUGHTER (FIRST DEGREE) - DANGEROUS WEAPON - CLASS C FEL  
COUNT 2: MANSLAUGHTER (FIRST DEGREE) - KILLED WHILE COMMITTING CRIME -  
CLASS C FEL

YOU ARE COMMANDED FORTHWITH to arrest the above named HERIBERTO PEREZTORRES and bring this person before the Circuit Court/Magistrate Court of Minnehaha County to answer said Complaint or if the Court has adjourned that you deliver this person into the custody of the Sheriff of Minnehaha County, South Dakota, to be held on \$250,000 cash bond.

Dated this 7<sup>th</sup> day of January, 2019.

BY THE COURT:

  
Judge

Defendant's Name: HERIBERTO PEREZTORRES  
Defendant's DOB: [REDACTED]  
Defendant's Address: [REDACTED] SIOUX FALLS, SD 57104

RETURN

I hereby certify that a copy of the above Warrant of Arrest was received by me on the

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I executed the same on the

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering a copy to

SERVED  
JAN 08 2019

\_\_\_\_\_  
Law Enforcement Officer

FILED  
JAN 08 2019

Minnehaha County, S.D.  
Clerk Circuit Court